

Zoning Case No. C14-2014-0164

RESTRICTIVE COVENANT

OWNER: DSHZ, Ltd, a Texas limited partnership

ADDRESS: 1208 West Slaughter Lane, Austin, Texas 78748

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: 0.466 acre tract of land out of the William Cannon Survey No. 19, Abstract No. 8, the 0.466 acre tract of land being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant (the "Property"),

WHEREAS, the Owner (the "Owner", whether one or more), of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant ("Agreement"). These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. Development on the Property is subject to the recommendations contained in the Neighborhood Traffic Analysis ("NTA") memorandum from the Transportation Review Section of the Planning and Development Review Department (the "Department"), dated December 3, 2014. The NTA memorandum shall be kept on file at the Department.
2. If any person or entity shall violate or attempt to violate this Agreement, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such Agreement, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this Agreement is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this Agreement, and such remaining portion of this Agreement shall remain in full effect.

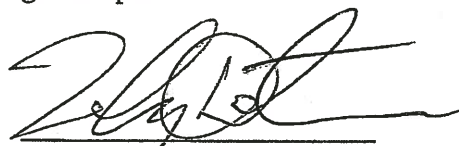
4. If at any time the City of Austin fails to enforce this Agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This Agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property, or a portion of the Property, subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 5th day of February, 2015.

OWNER:

DSHZ, Ltd, a Texas limited partnership

By: Rush Dotson, LLC, a Texas
limited liability company, its
general partner

By: 
Zachary Dotson
Secretary

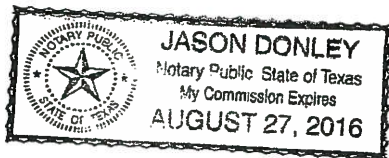
APPROVED AS TO FORM:

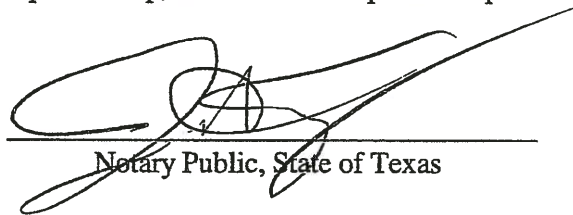
Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 5th day of February 2015, 2015, by Zachary Dotson, President of Rush Dotson, LLC, a Texas limited liability company, general partner of DSHZ, Ltd, a Texas limited partnership, on behalf of the partnership.





Notary Public, State of Texas

**JAMES E. GARON
& ASSOCIATES, INC.**
PROFESSIONAL LAND SURVEYORS

924 Main Street
Bastrop, Texas 78602
512-303-4185
Fax 512-321-2107
jgaron@austin.rr.com

November 10, 2014

LEGAL DESCRIPTION: BEING 0.466 ACRE OF LAND LYING IN AND BEING SITUATED OUT OF THE WILLIAM CANNON SURVEY NO. 19, ABSTRACT NO. 6 IN TRAVIS COUNTY, TEXAS AND BEING ALL OF THAT CERTAIN 0.466 ACRE TRACT OF LAND CONVEYED TO DSHZ, LTD BY DEEDS RECORDED IN DOCUMENT NO. 2013208207 AND DOCUMENT NO. 2014045331 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.466 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SURVEYED UNDER THE SUPERVISION OF JAMES E. GARON & ASSOCIATES IN JANUARY, 2014:

BEGINNING at a 1/2" iron rod found in the present northerly right-of-way line of Slaughter Lane (70' R.O.W.) a dedicated public right-of-way for the southeasterly corner hereof, being in the westerly line of Lot 5, Westwood Heights, a subdivision of record in volume 10, page 95 of the Plat Records of Travis County, Texas, being the northeast corner of that certain 0.0733 acre tract of land conveyed to Travis County, Texas by deed recorded in volume 10610, page 978 of the Real Property Records of Travis County, Texas and being the northwest corner of that certain 0.0687 acre tract of land conveyed to Travis County, Texas by deed recorded in volume 12280, page 835 of the Real Property Records of Travis County, Texas;

THENCE with the present northerly right-of-way line of said Slaughter Lane and the northerly line of said Travis County, Texas 0.0733 acre tract the following two (2) calls:

- 1) N 87°41'17" W a distance of 100.58 to a 1/2" iron rod set for an angle point,
- 2) N 41°39'01" W a distance of 27.23 feet to a 1/2" iron rod set in the easterly right-of-way line of Texas Oaks Drive a sixty (60) foot wide dedicated public right-of-way as dedicated by Texas Oaks, a subdivision of record in volume 80, page 212 of the Plat Records of Travis County, Texas;

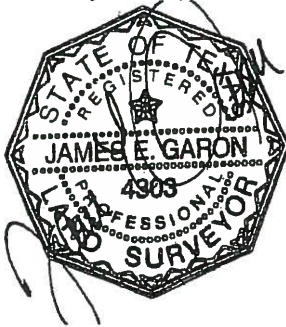
THENCE N 01°24'00" E a distance of 155.45 feet with the easterly right-of-way line of said Texas Oaks Drive to a 1/2" iron rod set for the northwest corner hereof and said 0.466 acre tract, being the southwest corner of Lot 1, Block B, of said Texas Oaks;

THENCE S 87°43'58" E a distance of 114.99 feet to a 1/2" iron rod found in the southerly line of Lot 4, Block B, of said Texas Oaks, being the northwest corner of said Lot 5, Westwood Heights for the northeast corner hereof and said 0.466 acre tract;

THENCE S 00°02'00" W a distance of 175.26 feet to the **POINT OF BEGINNING** and containing 0.466 acre of land, more or less, and as shown on map of survey prepared herewith.

All iron rods set are 1/2" iron rods with plastic caps stamped "JEG RPLS 4303"

Surveyed by:



James E. Garon
Registered Professional Land Surveyor
Server: Counties\Travis\Surveys\W Cannon\61613.doc

After Recording, Please Return to:
City of Austin
Law Department
P. O. Box 1088
Austin, Texas 78767
Attention: J. Collins, Paralegal